

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|------------------------------|---|--------------------------|
| CARL JAY BAIR, II, | : | |
| | : | Case No. 16-cv-165 |
| Plaintiff, | : | |
| | : | JUDGE ALGENON L. MARBLEY |
| v. | : | |
| | : | Magistrate Judge Jolson |
| MADISON CORRECTIONAL | : | |
| INSTITUTION, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge as to its July 11, 2016 Order to Show Cause why this matter should not be dismissed without prejudice for failure to effectuate service in accordance with Federal Rule of Civil Procedure 4(m). (Doc. 3.)

The Report and Recommendation specifically advised parties that “failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” (*Id.* at 2.) The deadline for timely objection lapsed on August 17, 2016.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Accordingly, the Court **DISMISSES without prejudice** Plaintiff’s complaint pursuant to Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

Dated: September 6, 2016

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT